

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, NOVEMBER 9, 2004 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

A Special Meeting of the **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-300:                      ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today’s docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE ===**

Noticed Hearings, Discussion

ITEM-330: Fourth Update to the Land Development Code. (City-wide.)  
CITY MANAGER'S RECOMMENDATION: Introduce the ordinances.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-331: Laundry Lofts Project. (East Village Redevelopment District of the  
Expansion Sub Area of the Centre City Redevelopment Project.  
District-2.)  
CENTRE CITY DEVELOPMENT CORPORATION'S  
RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

ITEM-332: CCDC Area 1, Phase 2, Job 2, from Beech Street to Cedar Street and State  
Street to 7<sup>th</sup> Avenue. (Centre City Community Area. District-2.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-333: Derby Farms Road Street Vacation. (Fairbanks Country Club Community  
Plan Area. District-1.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

ITEM-334: Hardwood Tichenor Rental Property. (Centre City Community Plan Area.  
District-2.)  
CITY MANAGER'S RECOMMENDATION: Deny the appeal and  
uphold the decision of the Historical Resources Board to designate the  
Harwood Tichenor Rental Property as a Historical Resource Site.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Noticed Hearings, Discussion (Continued)

- ITEM-335: Two actions related to Scripps Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005. (Scripps Miramar Ranch Community Area. District-5.)  
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:  
On 9/29/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation.
- ITEM-336: Third Amended and Restated 1994 Agreement with the San Diego State University for Partial Use and Occupancy of Qualcomm Stadium.  
(District-6.)  
CITY MANAGER'S RECOMMENDATION: Introduce the ordinance.
- ITEM-337: Issuance of Multifamily Revenue Bonds for Vista Terraza Apartments by the California Statewide Communities Development Authority (CSCDA).  
(District-1.)  
SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:  
Adopt the resolution.
- ITEM-338: Two actions related to the First Amendment to the Southcrest Redevelopment Plan for the Southcrest Redevelopment Project.  
(Southeastern San Diego Community Area. District-4.)  
SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S RECOMMENDATION: Introduce the ordinance in Subitem A, and adopt the resolution in Subitem B:
- ITEM-339: Legacy Walk. Southeastern San Diego Community Plan Area.  
(District-4.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions in Subitems A, B, C, D, and E and introduce the ordinance in Subitem F.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Noticed Hearings, Discussion (Continued)

ITEM-340:           Tuberosa Alley Public Right-Of-Way Vacation. (Mid-City Community  
Plan Area. District-3.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

ITEM-330: Fourth Update to the Land Development Code.

Matter of approving, conditionally approving, modifying or denying the Fourth Update to the Land Development Code and Local Coastal Program Amendment. The Fourth Update includes 7 policy issues, 17 consistency corrections, and 18 minor corrections involving Chapter 5, Article 9.5, Division 4; Chapter 6, Article 2, Divisions 1-3 and 7; Chapter 10, Article 3, Division 1; Chapter 11, Article 1, Division 1-3, 5; Chapter 11, Article 2, Divisions 3 and 5; Chapter 11, Article 3, Divisions 1 and 2; Chapter 12, Article 1, Division 3; Chapter 12, Article 5, Division 1; Chapter 12, Article 6, Divisions 3-5, and 7-9; Chapter 12, Article 7, Division 1; Chapter 12, Article 8, Division 1; Chapter 12, Article 9, Division 1, 2, 5, and 7; Chapter 13, Article 1, Division 2 and 4; Chapter 13, Article 2, Division 12; Chapter 14, Article 1, Division 10; Chapter 14, Article 2, Division 1, 3, 4, 5, 6, 8, and 12; Chapter 14, Article 3, Division 1; Chapter 14, Article 4, Division 2 ; Chapter 14, Article 6, Division 1 of the Land Development Code. (City-wide)

(See City Manager's Report Nos. 04-162; 03-154; and 02-238. Matthew A. Peterson's July 23, 2003 letter; Reynaldo Pisano's July 23, 2003 letter; Michael Pallamary's July 23, 2003 memo; Matthew J. Adams July 22, 2003 letter; Ann White's July 18, 2003 letter; Kelly Broughton's May 12, 2003 memo; Community Planners Committee (CPC) Resolution No. 06-2002; Coastal Development Permit drawings; Example 13-Old Town Illegal Grading in Open Space; photograph; Paul C. McNeil's October 21, 2002 letter; Sierra Club's October 23, 2002 letter.)

**TODAY'S ACTIONS ARE:**

Introduce the following ordinances:

Subitem-A: (O-2005-39) (COR.COPY)

Introduction of an Ordinance amending Chapter 10, Article 3, Division 1, by amending Section 103.1703; amending Chapter 11, Article 1, Division 1, by amending Section 111.0105; amending Chapter 11, Article 1, Division 2, by repealing Section 111.0203; amending Chapter 11, Article 1, Division 2, Sections 111.0207 and 111.0208; amending Chapter 11, Article 2, Division 3, by amending Section 112.0304; amending Chapter 11, Article 2, Division 5, by amending Sections 112.0501 and 112.0506; amending Chapter 11, Article 3, Division 1, by amending Section 113.0103; amending Chapter 11, Article 3, Division 2, by adding Section 113.0231; amending Chapter 11, Article 3, Division 2 by amending Sections 113.0249 and 113.0252, and 113.0270, 113.0273, and 113.0276; amending Chapter 12, Article 1, Division 3, by amending Sections 121.0302, 121.0309, and 121.0312; amending Chapter 12,

ITEM-330: (Continued)

Subitem-A: (Continued)

Article 5, Division 1, by amending Section 125.0120; amending Chapter 12, Article 6, Division 3, by amending Section 126.0303; amending Chapter 12, Article 6, Division 4, by amending Section 126.0402; amending Chapter 12, Article 6, Division 5, by amending Section 126.0502 and 126.0504; amending Chapter 12, Article 6, Division 7, by amending Section 126.0704; amending Chapter 12, Article 6, Division 8, by amending Section 126.0804; and amending Chapter 12, Article 6, Division 9, by repealing Sections 126.0901, 126.0902, 126.0903, 126.0904, 126.0905, 126.0906, and 126.0907; amending Chapter 12, Article 7, Division 1, by amending Sections 127.0104 and 127.0106; amending Chapter 12, Article 8, Division 1, by amending Sections 128.0103 and 128.0104; amending Chapter 12, Article 9, Division 1, by amending Sections 129.0104 and 129.0112; amending Chapter 12, Article 9, Division 2, by amending Section 129.0214; amending Chapter 12, Article 9, Division 5, by amending Section 129.0506; amending chapter 12, Article 9, Division 7, by amending Sections 129.0702, 129.0703, 129.0710, and by adding Section 129.0715; amending Chapter 13, Article 1, Division 2, by amending Section 131.0231 and adding Section 131.0260; amending Chapter 13, Article 1, Division 4, by amending Sections 131.0443, 131.0444, 131.0461, 131.0464, and by adding Section 131.0466; amending Chapter 13, Article 1, Division 5, by amending Section 131.0540; amending Chapter 13, Article 2, Division 12, by amending Section 132.1202; amending Chapter 14, Article 1, Division 10, by amending Section 141.1004; amending Chapter 14, Article 2, Division 1, by adding Section 142.0150; amending Chapter 14, Article 2, Division 3, by amending Section 142.0340; amending Chapter 14, Article 2, Division 4, by amending Section 142.0402; amending Chapter 14, Article 2, Division 5, by amending Section 142.0560; amending Chapter 14, Article 2, Division 6, by adding Section 142.0607; amending Chapter 14, Article 2, Division 6, by amending Sections 142.0611 and 142.0670; amending Chapter 14, Article 2, Division 8, by amending Section 142.0810; amending Chapter 14, Article 2, Division 12, by amending Section 142.1240; amending Chapter 14, Article 3, Division 1, by amending Sections 143.0110, 143.0111, 143.0126, 143.0140, 143.0142; and 143.0144; amending Chapter 14, Article 3, Division 3, by amending 143.0302; amending Chapter 14, Article 4, Division 2, by amending Section 144.0231; amending Chapter 14, Article 4, Division 2, by adding Section 144.0233; and amending Chapter 14, Article 6, Division 1, by amending Section 146.0106, all relating to Fourth Update of the Land Development Code.

ITEM-330: (Continued)

Subitem-B: (O-2005-39a) (Option 1)

Introduction of an Ordinance amending Chapter 14, Article 3, Division 1, of the San Diego Municipal Code, by amending Section 143.0110 relating to the Land Development Code; or

Subitem-C: (O-2005-39b) (Option 2)

Introduction of an Ordinance amending Chapter 12, Article 6, Division 4, of the San Diego Municipal Code by amending Section 126.0402; and amending Chapter 14, Article 3, Division 1, by amending Section 143.0110 relating to the Land Development Code; or

Subitem-D: (O-2005-39c) (Option 3)

Introduction of an Ordinance amending Chapter 12, Article 6, Division 4, of the San Diego Municipal Code by amending Section 126.0402; and amending Chapter 14, Article 3, Division 1, by Amending Section 143.0110 relating to the Land Development Code.[ajl1]

Subitem-E: (O-2005-44)

Introduction of an Ordinance amending Chapter 5, Article 9.5, Division 4, of the San Diego Municipal Code by amending Section 59.5.0401, pertaining to noise and abatement control; by amending Chapter 6, Article 2, Divisions 1 through 3 by repealing Divisions 1-3; and by amending Chapter 6, Article 2, Division 7, by amending and renumbering Section 62.07 to 62.0701, and adding Section 62.0702, pertaining to public rights-of way and land development.

Subitem-F: (O-2005-27)

Introduction of an Ordinance amending Chapter 6, Article 2, Division 2, of the San Diego Municipal Code by amending and renumbering Section 62.0208 to Section 142.0680, all relating to Cost Reimbursement Districts.



ITEM-330: (Continued)

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 7/21/04, LU&H voted 5-0 to approve City Manager's recommendation #3 with the clarification that the exemption apply to **public** trails and access projects and refer the matter to City Council. (Councilmembers Peters, Zucchet, Lewis, Frye and Inzunza voted yea.)

On 7/21/04, LU&H voted 5-0 to approve Section 143.0126(a) as proposed by the City Manager, amended to read as follows, and refer the matter to City Council:

If the emergency work involves only temporary impacts to *environmentally sensitive lands*, a Neighborhood Development Permit or Site Development Permit is not required provided the *environmentally sensitive lands* are restored, **in a timely manner** to their natural state, in accordance with a restoration plan that conforms with the Biology guidelines and is approved by the City Manager. The restoration plan shall be submitted to the City Manager within 60 days of completion of the emergency work **and work on the revegetation plan shall be initiated within 90 days of the project completion or prior to the beginning of the next rainy season, whichever is greater.** (Councilmembers Peters, Zucchet, Lewis, Frye and Inzunza voted yea.)

On 7/23/03, LU&H voted 3-2 to approve the geotechnical exploration amendments to the Land Development Code, but to require a process 2 review and develop limited exemptions; and directing staff to docket this matter before City Council as soon as possible., (Councilmembers Zucchet, Atkins, and Frye voted yea. Councilmembers Peters and Lewis voted nay.)

On 10/23/02, LU&H voted 5-0 to approve the City Manager's recommendations except for #2. No action is to be taken on #2, pending closed session discussion. The City Manager's responses to the five questions contained in the October 23, 2002, letter from the Sierra Club are to be distributed to all Councilmembers prior to the City Council hearing. (Councilmembers Wear, Peters, Stevens, Maienschein, and Frye voted yea.)

**OTHER RECOMIENDATIONS:**

Planning Commission on November 29, 2001, voted 7-0 to approve; no opposition.

Ayes: Garcia, Anderson, Lettieri, Schultz, Brown, Butler, Stryker

This is a matter of City-wide effect.

ITEM-330: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

The Fourth Update to the Land Development Code (LDC) is part of the code monitoring and update process directed by the City Council as part of the adoption of the LDC in 2000. The Fourth Update includes policy issues, consistency corrections, and minor format and reference corrections. The seven policy issues are substantive issues intended to address revisions to Federal or State law and changing development practices. The seven policy issues include a deviation process to allow persons with disabilities the equal opportunity to use and enjoy a dwelling, amendments to the open space residential zone category, dissolution of the Board of Zoning Appeals, amendments to the public right-of-way review and approval process, amendments to the grading regulations to address illegal grading, amendments to exempt public linear trails and access projects from development area regulations, and amendments to require restoration for emergency development activity conducted within environmentally sensitive lands. Policy Issue 5 deals with Site Reconnaissance and Testing and includes three options for Council consideration. Option 1 (Subitem B, City Attorney No. O-2005-39a) is recommended to accomplish the desired coordination, mitigation, and restoration for impacts associated with site reconnaissance and testing through a Process One Grading Permit. Option 2 (Subitem C, City Attorney No. O-2005-39b) and Option 3 (Subitem D, City Attorney No. O-2005-39c), as described in the Managers Report, have also been drafted based on direction from the Land Use and Housing Committee, should Council not support Option 1 (Subitem B, City Attorney No. O-2005-39a). The 17 consistency corrections will address inconsistencies in the current regulations and improve implementation of existing policies. The 18 minor format and reference corrections address typographical errors and references to incorrect terms or numbers throughout the LDC. If the City Council approves the Fourth Update and associated Local Coastal Program Amendment, the Fourth Update will be submitted to the California Coastal Commission for approval and certification.

**FISCAL IMPACT:** None.

Ewell/Halbert/KGB/AJL

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTION:**

ITEM-331: Laundry Lofts Project.

(See Centre City Development Corporation Report No. CCDC-04-25. (East Village Redevelopment District of the Expansion Sub Area of the Centre City Redevelopment Project. District-2.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-471)

Certifying that the MEIR/SEIR and the Final Environmental Secondary Study for the Centre City Redevelopment Project, Proposed Ballpark and Ancillary Development Projects, and Associated Plan Amendments with respect to the Laundry Lofts development have been reviewed and considered, and finds that no further environmental review is required for the project;

Declaring that the proposed development will comply with the applicable regulations of the Land Development Code, the Centre City Community Plan, and the Centre City Planned District Ordinance, and no variances will be required;

Approving that the Centre City Development Permit 2004-25, including encroachment of an underground parking structure within the public right-of-ways of Island Avenue and 15<sup>th</sup> Street, subject to meeting the requirements contained in City Council Policy 700-18.

**ADOPTION AGENDA, DISCUSSION, HEARINGS**

**NOTICED HEARINGS:**

ITEM-332: CCDC Area 1, Phase 2, Job 2, from Beech Street to Cedar Street and State Street to 7<sup>th</sup> Avenue.

(Centre City Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-227)

A Resolution establishing an Underground Utility Districts financed through the City of San Diego Undergrounding Surcharge Fund.

**CITY MANAGER SUPPORTING INFORMATION:**

The formation of CCDC Area 1, Phase 2, Job 2, from Beech Street to Cedar Street and State Street 7<sup>th</sup> Avenue Underground Utility District will require the removal and/or underground conversion of certain overhead power and communications wires with poles within the established boundary. The expense of the underground installation and removal of overhead facilities within the right-of-way (street and sidewalk area) will be the responsibility of the utility companies in accordance with California Public Utilities Commission Rules.

It is the responsibility of the individual property owner(s) for the trenching and other related work to convert their property to receive electrical, telecommunication and cable television from an underground service. However, San Diego Gas & Electric will offer to property owner(s) within the Underground Utility District, to perform all the work necessary to convert private property, including necessary conduits for telephone and cable facilities at no cost to the property owner(s). In order to take advantage of San Diego Gas & Electric's offer to perform this work, property owners are required to sign a Permit to Enter Form.

**FISCAL IMPACT:**

The fiscal impact to the City is the construction cost estimated at \$1,702,982 and other indirect costs such as street light replacement, tree replacement, street improvement, minor City forces, and other related work estimated at \$115,785, will be financed through the City of San Diego Fund 30100, Undergrounding Surcharge Fund, contingent upon receipt of funds from San Diego Gas & Electric.

Mendes/Boekamp/AO

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: Derby Farms Road Street Vacation.

(Fairbanks Country Club Community Plan Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-290)

Vacating a portion of Derby Farms Road, reserving an easement for general utility and emergency access together with ingress and egress for those purposes.

**CITY MANAGER SUPPORTING INFORMATION:**

Derby Farms Road is located south of San Dieguito Road in the Carmel Valley Community Planning area. The street is fully improved. The part of Derby Farms Road proposed to be vacated is within Planned Residential Developments and zoned A-1-1.

Derby Farms Road was dedicated as a public street to provide access to the residents in Senterra and Fairbanks Stratford developments. The street also provides emergency access only to Rancho Pacifica, an adjoining development. The proposed portion of the street to be vacated does not provide any other public access.

The applicants, by vacating Derby Farms Road, wish to patrol and monitor the street use and improve the landscaping of the street. The vacated street will become a private street, maintained by the homeowner associations. A general utility and access easement will be reserved from the street vacation. This easement will allow maintenance and utility access to water, sewer, gas and electric and cable facilities within Derby Farms Road. Fire and Safety response will be allowed access on the vacated street. The remaining portion of Derby Farms Road that will remain as a public street provides access to an Open Space area.

The Carmel Valley Planning Board, representing the Fairbanks Country Club Community, on February 10, 2004 voted 11-0-0 to recommend approval of the street vacation. On June 10, 2004 the Planning Commission recommends approval of the proposed street vacation to the City Council.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

**FINDINGS:** Staff review has indicated that the right-of-way to be vacated may be vacated and that the four required findings for vacation can be made.

1. That there is no prospective use for the easement or right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated – Derby Farms Road does not provide a transportation use for the general public. A portion of Derby Farms Road adjacent to an open space area will remain open to the public.
2. That the public will benefit from the action through improved utilization of the land made possible by the street vacation – The property owners can more effectively deter undesirable activities and improve landscaping. The City of San Diego will no longer be responsible for the maintenance of this street and can utilize the savings for streets with higher usage.
3. That the vacation or abandonment is not inconsistent with the General Plan, an approved Community Plan, or the Local Coastal Program – The Carmel Valley Community Planning Board and Planning Commission recommend approval of the street vacation.
4. That the facility for which the right-of-way as originally acquired will not be detrimentally affected by the street vacation – The street will remain for private access. Public utilities and fire and safety access will be provided with public easement reservations over the vacated street.

**FISCAL IMPACT:**

None. All costs are paid by the applicant.

**NOTE:** This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(3).

Loveland/Broughton/AKW

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: Hardwood Tichenor Rental Property.

Matter of the appeal by Robin Munro, on behalf of Daniel G. Crotty, Thomas P. Crotty, Patrick H. Crotty, from the decision of the Historical Resources Board in approving the historical site designation of the property located at 1151-1159 10<sup>th</sup> Avenue in the City of San Diego.

(Continued from the meeting of September 7, 2004, Item 331, at the request of Councilmember Zucchet, for further review.)

(See City Manager Report CMR-04-197. Centre City Community Plan Area. District-2.)

**NOTE:** Hearing Open. No testimony taken on September 7, 2004.

**TODAY'S ACTION IS:**

(R-2005-194)

A motion either granting or denying the appeal and upholding or overturning the action of the Historical Resources Board

**CITY MANAGER'S RECOMMENDATION:**

Deny the appeal and uphold the decision of the Historical Resources Board to designate the Harwood Tichenor Rental Property as a Historical Resource Site.

**OTHER RECOMMENDATIONS:**

Historical Resources Board voted 8-3 on April 22, 2004 to approve the building's designation.

Ayes: Sewell, Ahern, Burnett, Chuang, Delawie, Malone, Marshall, Silvas.

Nays: Emme, Schaefer, Schwartz

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:**

The Harwood Tichenor Rental Property is comprised of four structures: An 1880 Queen Anne Victorian cottage (1157 Tenth Avenue), a two-story commercial/residential addition (1159 Tenth Avenue), and two rear Craftsman-style units (1151, 1153-1155 Tenth Avenue) dating from approximately 1912. The subject of this appeal is the 1880 Victorian cottage, a small, two-story wood-frame house that was moved to its current location between 1889 and 1905. Its projecting two-story residential/commercial component (1159 Tenth Avenue) was added around 1912. It is not part of the designation.

The Queen Anne cottage features drop siding and diamond-patterned shingles in the gable end. The front gabled roof has a boxed cornice with a plain frieze and incised vergeboard. The second floor windows are double-hung sash. The original full porch, reached by brick steps, is now enclosed with a series of rectangular glass windows added in 1947. The northern addition, which is not part of the designation, has a flat roof, narrow bevel siding and plain double-hung sash windows on the upper story. The ground floor store front originally featured plate glass windows. The windows have been boarded up and the ground floor is now converted to residential use. The northern side wall belonged to former Fire Department Station No. 2 and is currently supported by pipe buttresses.

Loveland/Goldberg/DK



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: Two actions related to Scripps Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, FY 2005.

(See City Manager Report CMR-04-207; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2005 Draft. Scripps Miramar Ranch Community Area. District-5.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2005-371)

Designating an area of benefit in Scripps Miramar Ranch and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Scripps Miramar Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-2005-372)

Approving the Development Impact Fee [DIF] schedule for properties within Scripps Miramar Ranch.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 9/29/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Zucchet, Frye, Inzunza voted yea. District 4-vacant.)

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: Third Amended and Restated 1994 Agreement with the San Diego State University for Partial Use and Occupancy of Qualcomm Stadium.

(District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2005-42)

Introduction of an Ordinance authorizing the City Manager to execute the Third Amended and Restated 1994 Agreement for Partial Use and Occupancy of Qualcomm Stadium Between San Diego State University and the City of San Diego, under the terms and conditions set forth in the Agreement.

**NOTE:** 6 votes required pursuant to Section 99 of the City Charter.

**CITY MANAGER SUPPORTING INFORMATION:**

San Diego State University (SDSU) is utilizing Qualcomm Stadium in accordance with an agreement for partial use and occupancy dated May 31, 1994, which is on file with the Office of the City Clerk as Document No. 00-18076. The parties have twice negotiated revised terms and conditions for the use of the Stadium by SDSU, as reflected in amended and restated agreements dated July 20, 1998 and June 3, 2003, copies of which are on file as documents No. 00-18548 and 00-19181, respectively. The current, second amended and restated, agreement expires after the 2007 season, but contains a clause calling for renegotiation of terms following the 2003 football season. Per that clause, an amendment has been negotiated to mutually benefit the City and SDSU through the 2007 season, and includes the following major changes:

1. The parties have agreed to the lease of a new ticket office for use by SDSU. Following the Chargers vacation of their former ticket office to transfer into the office previously occupied by the Padres, SDSU will begin utilizing that office. The base rental will start, effective September 1, 2004, at \$1,538.24 per month, which is an increase of approximately \$188 per month over the current rental rate. The rent for the ticket office is to be adjusted each year beginning on July 1, 2005 by a formula utilizing a current index published by the Bureau of Labor Statistics Consumer Price Index (CPI).

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

2. Stadium rental will continue to be 8% of gross ticket revenue, and 8% of the parking and concession revenue, with a minimum guarantee of \$50,000 per game to the City. Previously, the guaranteed minimum revenue per game was \$40,000. The increase becomes effective for the 2005 football season.
3. SDSU understands and agrees to respect the Chargers advertising rights.
4. In addition to continued use of locker room A, SDSU will also be granted the right to utilize an additional locker room, identified as locker room B, previously used by visiting college teams. Under the amended agreement, the visiting college teams will use the locker room previously utilized by the Padres.
5. 146 tickets per game will be provided to the City at no charge for provision to the plaintiff in accordance with the ADA Settlement Agreement.

Stadium Advisory Board members actively participated in the negotiations of these amendments with Qualcomm Stadium staff and SDSU representatives. With one abstention for conflict reasons, the Stadium Advisory Board unanimously approved the amended agreement on October 7, 2004.

**FISCAL IMPACT:**

The Stadium will receive approximately \$188 more per month (x 12 months = \$2,256 for a full year) in ticket office rental, effective September 1, 2004 and an additional \$10,000 per game (x an average of 6 home games per season = \$60,000) in minimum guaranteed revenue beginning with the 2005 season. The result is an increase of \$62,256 in annual revenue from the San Diego State Aztecs football team.

Herring/Wilson

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: Issuance of Multifamily Revenue Bonds for Vista Terraza Apartments by the California Statewide Communities Development Authority (CSCDA).

(See San Diego Housing Commission Report HCR04-75. District-1.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-413)

Approving the issuance of Multifamily Housing Revenue Bonds for up to \$14 million, for Vista Terraza Apartments, a 123-unit multifamily rental housing project, located at 7790 Via Toscana and 7735 Via Solare.

**NOTE:** See the Housing Authority Agenda of November 9, 2004 for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-338: Two actions related to the First Amendment to the Southcrest Redevelopment Plan for the Southcrest Redevelopment Project.

(See Southeastern Economic Development Corporation Report SEDC-04-012.  
Southeastern San Diego Community Area. District-4.)

**SOUTHEASTERN ECONOMIC DEVELOPMENT CORPORATION'S  
RECOMMENDATION:**

Introduce the ordinance in Subitem A, and adopt the resolution in Subitem B:

Subitem-A: (O-2005-57)

Introduction of an Ordinance approving and adopting the First Amendment to the Redevelopment Plan for the Southcrest Redevelopment Project.

Subitem-B: (R-2005-459)

Accepting and approving the report to the Council of the City of San Diego regarding the Proposed First Amendment and receiving, accepting, and approving the Proposed First Amendment to the Redevelopment Plan for the Southcrest Redevelopment Project.

**NOTE:** See the Redevelopment Agency Agenda of November 9, 2004 for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-339: Legacy Walk.

Matter of approving, conditionally approving, or denying an application for a Community Plan Amendment, Rezone from CT-2 to MF-1500, Easement Abandonment, Tentative Map, and Site Development Permit to demolish the existing structures and construct 110 (for sale) 2-3 Story Multi-Family Townhomes (10% of which will be affordable units) on a 5.5 acre site at the northeast corner of 43<sup>rd</sup> Street and Logan Avenue within the Southeastern San Diego Community Planning Area, Council District 4. Deviations have been requested for Front Yard Setback, Rear Yard Setback, Facade/Design Orientation, and Tandem Parking.

(See City Manager Report CMR-04-234. Addendum to EIR No. 84-0721/CPA No. 98183/RZ No. 98182/EA No. 148975/VTM No. 98180/SDP No. 98185/Project No. 23357. Southeastern San Diego Community Plan Area. District-4.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in Subitems A, B, C, D, and E and introduce the ordinance in Subitem F:

Subitem-A: (R-2005-449)

Adoption of a Resolution certifying that the Addendum to Environmental Impact Report LDR No. 84-0721, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Amendments to the Progress Guide and General Plan and the Southeastern San Diego Community Plan, a Site Development Permit, Rezone, and Vesting Tentative Map, know as the Legacy Walk Project;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-339: (Continued)

Subitem-B: (R-2005-451)

Adoption of a Resolution amending the Southeastern San Diego Community Plan; That the Council adopts and amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plan.

Subitem-C: (R-2005- )

Adoption of a Resolution granting or denying Site Development Permit No. 98185, with appropriate findings to support Council action.

Subitem-D: (R-2005- )

Adoption of a Resolution granting or denying Vesting Tentative Map No. 98180, with appropriate findings to support Council action.

Subitem-E: (R-2005-450)

Adoption of a Resolution findings with respect to Vesting Tentative Map No. 98180;

That pursuant to California Government Code section 66434(g), the slope easement recorded 23 MAR 1998, Document # 1998-0155848 O.R.; the sewer easement recorded 18 FEB 1946, Book 2054 Page 186 O.R.; the sewer easement recorded 22 DEC 1947, Book 2589 Page 292 O.R.; the sewer easement recorded 22 DEC 1947, Book 2589 Page 299 O.R.; the sewer easement recorded 22 DEC 1947, Book 2589 Page 302 O.R.; and the slope easement recorded 5 AUG 1999, Document # 1999-0541041 O.R. located within the project boundaries as shown in Vesting Tentative Map No. 98180, shall be vacated, contingent upon the recordation of the approved final map for the project;

That the recommendation of the Planning Commission is sustained and Vesting Tentative Map No. 98180 is granted to the Olson Company, LLC, Applicant/Subdivider, and Project Design Consultants, Engineer, subject to the attached conditions which are incorporated by reference and made a part of this resolution Attachment 2.

**ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)**

**NOTICED HEARINGS: (Continued)**

**ITEM-339: (Continued)**

**Subitem-F: (O-2005-52)**

Introduction of an Ordinance changing a 4.4 acres, located on the east side of South 43<sup>rd</sup> Street, south of Logan Avenue, in the Southcrest Neighborhood, in the Southeastern Community Plan Area, in the City of San Diego, California, from the CT-2 Zone into the MF-1500 Zone, as defined by San Diego Municipal Code Section 103.1706, and repealing Ordinance No. O-16922 (New Series), adopted August 3, 1987, of the Ordinances of the City of San Diego insofar as the same conflict herewith.

**OTHER RECOMMENDATIONS:**

Planning Commission on September 30, 2004, voted 5 – 0 to approve; no opposition.

Ayes: Steele, Otsuji, Lettieri, Schultz, Ontai  
Not present: Garcia, Chase

The Southeastern San Diego Community Planning Committee has recommended approval of this project.

**CITY MANAGER SUPPORTING INFORMATION:**

**BACKGROUND**

The subject property is an approximately 7.0-acre site located on the east side of South 43<sup>rd</sup> Street, south of Logan Avenue, in the Southcrest Neighborhood of the Southeastern San Diego Planning Area. The Southeastern San Diego Planning Area is located in the central urbanized portion of the City of San Diego, south of Martin Luther King Freeway (SR 94), west of Interstate 805, east of Interstate 5 and bordered with National City on the south. The site is primarily vacant, with the exception of a tire repair shop, welding shop, and three single-family homes.

Approximately 4.4 acres of the site is designated General Commercial in the Southeastern San Diego Community Plan, with the remaining 2.6 acres designated as Medium-High Density Residential (15-30 dwelling units per acre). The subject property is surrounded by vacant land and a neighborhood park to the north, low density residential to the south, medium density residential to the east, and vacant and dilapidated commercial properties to the west.



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-339: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Adjacent land use designations include Public Facilities to the North, Medium-High Density Residential (15-30 dwelling units per acre) to the east, Strip Commercial to the west, and Low Density Residential (5-10 dwelling units per acre) to the south.

The proposed project site is on 7.0 acres within the larger, 301-acre area encompassed by the Southcrest Redevelopment Project (SRP) Area. The SRP was adopted in 1986 and is bounded by Interstate 15 and Interstate 5 on the west, on the east by 44<sup>th</sup> Street, to the south by Gamma and Vesta Streets, and to the north by Logan Avenue. The proposed Legacy Walk project is located in the northeastern portion of the SRP Area. The SRP Area is predominantly urbanized, containing a variety of land uses, including residential, commercial, light industrial, parks/open space, institutional, utilities, and vacant land.

On November 13, 2003, the Planning Commission voted 6-0-0 to initiate a request for an amendment to the Southeastern San Diego Community Plan and the Progress Guide and General Plan to redesignate approximately 4.4 acres of this site from General Commercial to Medium-High Density Residential (15-30 dwelling units per acre). During that hearing the Planning Commission requested that staff analyze a number of issues. That analysis is provided below in the Discussion section of this report under "Community Plan Analysis." On September 30, 2004, the Planning Commission voted 5-0-0 to recommend approval of the General/Community Plan Amendment and all related actions, as proposed.

**FISCAL IMPACT:** All costs associated with the processing of this project are paid from a deposit account maintained by the applicant.

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**LEGAL DESCRIPTION:**

The proposed project site is on 5.75 acres within the larger, 301-acre area encompassed by the Southcrest Redevelopment Project (SRP) Area. The SRP was adopted in 1986 and is bounded by Interstate 15 and Interstate 5 on the west, on the east by 44<sup>th</sup> Street, to the south by Gamma and Vesta Streets, and to the north by Logan Avenue. The proposed Legacy Walk project is located in the northeastern portion of the SRP Area, bordered by 43<sup>rd</sup> Street to the west, Logan Avenue to the north, 44<sup>th</sup> Street to the east, and Newton Avenue to the south.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-340: Tuberose Alley Public Right-Of-Way Vacation.

(See City Manager Report CMR-04-232; Mid-City Community Plan Area.  
District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2005-458)

Vacating a portion of the alley between Tuberose Street and Snowdrop Street, reserving an easement for general utility and emergency access together with ingress and egress for that purposes;

That said easement vacation is conditioned upon the applicant, to the satisfaction of the City Engineer, removing the existing alley pedestrian ramps within the Tuberose Street right-of-way and installing curb, gutter and sidewalk to match the existing improvements. In the event this condition is not completed within one year following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

**SUPPORTING INFORMATION:**

Background:

The project proposes the partial vacation of the Tuberose Alley right-of-way between Tuberose Street and Snowdrop Street within the City Heights neighborhood of the Mid-City Communities Plan Area. The right-of-way vacation is requested by the adjacent property owners primarily for safety concerns due to extensive criminal activity and loss of property values due to existing and on going erosion caused by runoff in the unimproved alley.

The existing alley is 15 feet wide and 275 feet in length running more or less north and south connecting Tuberose Street and Snowdrop Street. The alley is currently impassable from the Tuberose access because of severe erosion. The portion of the alley proposed to be vacated includes the entire 15 foot width and the southern 175 feet starting from the Tuberose Street opening. The remaining 100 feet would remain open from the Snowdrop Street side to allow two existing garages to maintain existing access rights.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

## NOTICED HEARINGS: (Continued)

## ITEM-340: (Continued)

**SUPPORTING INFORMATION:** (Continued)

The San Diego Police Department has provided a recommendation supporting the proposed vacation based on the criminal activity and the safety of the officers. Police statistics show that in the last year, 39 calls for police service were dispatched to beat officers in the immediate area and that approximately one third of those calls were directly related to the subject alleyway. Additionally, the Police Department has voiced concerns regarding the safety of their officers when responding to service calls involving alley in that officers are required to leave the protection of their vehicles in order to investigate the alley. This is due to the fact that the erosion and resulting topography make it impossible for police vehicles to access the alley and illuminate the scene with a car-mounted spot light.

In addition to the public safety and property concerns, staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated no longer is in effect. The California Vehicle Code (2001) defines an alley as a roadway less than 25 feet wide primarily used for access to the rear or side entrances of abutting properties. The portion of the alley proposed to be vacated is impassable to vehicle traffic and does not provide access to any of the abutting properties.

The proposed partial vacation of the Tuberosa alley meets all the criteria that would allow a decision maker to affirm all of the required findings. The portion of the alley proposed to be vacated does not provide access to any of the abutting properties and the extend of the erosion makes it unlikely that the alley would be repaired or improved in the future to a degree that would facilitate vehicular access. The general public would benefit from the vacation because the area could be closed off and criminal activity in the area would be lessened. The abutting property owners would benefit from the closure by regaining the vacated portion of the right-of-way and the ability to effect repairs to their property. The proposed vacation would not adversely affect the Mid-City Communities Plan or the draft Azalea Park-Hollywood Park RAP, and the proposed vacation would not affect existing access to properties from Snowdrop Street.

**Findings for the Public Right-of-Way Vacation approval:**

1. There is no present or prospective use for the purpose for the public right-of-way, either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated;
2. The public will benefit from this action through improved use of the land made available by vacation;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-340: (Continued)

**SUPPORTING INFORMATION:** (Continued)

3. The vacation does not adversely affect any applicable land use plan ;
4. The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation.

**FISCAL IMPACT:**

The adopted fee schedule identifies this as a 'flat fee' project. There is a fiscal impact associated with the processing of this project and the costs are not fully recoverable.

**NOTE:** This project is exempt from the California Environmental Quality Act pursuant to State CEQA Guidelines Section 15060(c)(3).

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NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT